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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/691,435 | 10/18/2000 | Takashi Yamaguchi | 00-631 | 4930 |

7590 12/02/2003

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EXAMINER

ASHBURN, STEVEN L

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| ART UNIT | PAPER NUMBER |
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3714

DATE MAILED: 12/02/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/691,435

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Steven Ashburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 17, 2003 has been entered.

Claim Rejections - 35 USC § 103

Claims 1-7, 9, 10, 13-15 and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al., U.S. 5,879,235 (Mar. 9, 1999) in view of Harris, U.S. Patent 2,364,141 (Dec. 22, 1941) and Hedrick et al., U.S. Patent 6,135,884 (Oct. 4, 2000)

Kaneko discloses a roulette-like ball game machine has a rotary disk with a plurality of pockets arranged in a peripheral direction and assigned a number respectively, and a guide circle provided around the rotary disk at a somewhat higher position and joining to the rotary disk through an inclined surface. While the rotary disk is turned, a ball rolled along the guide circle falls inside and enters one of the pockets to decide a prize number. The rotary disk is formed in an annular shape⁶ having a large inner diameter, a large-sized picture surface is provided within the central space of the rotary disk and various pictures are projected on the picture surface by an image projector.

Regarding claims 1 and 28: *Kaneko* teaches

- a. A rotating unit having a surface which rolls rolling bodies supplied thereon wherein a disk member having a vertical axis rotates in a plane perpendicular to the vertical axis of the disk member. *See fig. 3; col. 2:12-15.*

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- b. A transparent disk having a photographic or decorative backing. *See fig. 1(3), 8, 9; col. 2:24-67.*
- c. Rolling-body supply means for supplying rolling bodies. *See fig. 3, 11; col. 8:35-44.*
- d. Driving means for rotating the rotating unit in a fixed plane so that the supplied rolling bodies move along the rotating unit. *See fig. 3, 11; col. 8:35-44.*

However, Kaneko does not disclose the features of

- a. Supplying rolling bodies from the central portion of the rotating unit.
- b. A photographic or decorative backing attached to the back of the disk member.

As discussed below, it would have been obvious to an artisan at the time of the invention to modify Kaneko to add these features in view of the prior art.

Harris discloses an analogous ball-game device wherein outcomes are generated by rolling balls into locations on a rotating disk. *See fig. 9; col. 1:1-55.* The device includes a ball-supply which releases balls from a central portion of a rotating unit.. *See fig. 3; col. 1:27-35, 3:51-61.* In view of *Harris*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ball-game device taught by Kaneko, wherein outcomes are generated releasing balls onto the edge of a rotating disk, to add the features of supplying rolling bodies from the central portion of a rotating unit. As suggested by *Harris*, the modification would enhance the device by providing a simple yet visually amusing game for both players and onlookers. *See col. 1:5-11.*

Hedrick teaches that it was known in the art of gaming at the time of the invention to attach photographic or decorative backing to the back of the transparent member to provide artwork for a gaming device. *See col. 2:31-60.* It would have been obvious to an artisan at the time of the invention to modify Kaneko, wherein artwork is projected onto the rear of disk, add the feature of photographic or decorative backing attached to the back of the disk member to provide artwork for the gaming device and thereby provide a more attractive display.

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In sum, when the prior art is taken as a whole, it suggests to an artisan at a time prior to the invention to modify Kaneko to supply rolling bodies from the central portion of a rotating disk and to provide photographic or decorative backing attached to the back of the disk member.

Regarding claim 2: Kaneko additionally describes specifying unique information by the moving rolling bodies when the bodies have stopped is used as the result of the draw. *See fig. 3(15).*

Regarding claim 3: Kaneko additionally describes plurality of regions to which unique symbols are assigned are provided along the periphery of the rotating unit and the result of the draw is determined by the symbols assigned to the regions in which the rolling bodies stops. *See id.*

Regarding claim 4: Kaneko additionally describes N different symbols, determined by the outward movement of N rolling bodies, are specified as the results of the draw, wherein N represents a natural number not less than 2. *See id.*

Regarding independent claims 5, 14, 19, 20 and 21: *Kaneko* teaches

- a. A rotating unit having a surface which rolls rolling bodies supplied thereon thereon wherein a disk member having a vertical axis rotates in a plane perpendicular to the vertical axis of the disk member. *See fig. 3; col. 2:12-15.*
- b. Rolling-body supply means for supplying rolling bodies. *See fig. 3, 11; col. 8:35-44.*
- c. Driving means for rotating the rotating unit in a fixed plane so that the supplied rolling bodies move along the rotating unit. *See fig. 3, 11; col. 8:35-44.*

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d. A plurality of catching units provided along the periphery of the rotating unit wherein the catching units each have a unique symbol assigned to the catching unit in which the moving body is caught. *See fig. 3; col. 1:6-9, 4:15-36.*

e. The result of a draw of numbers is specified by the symbols assigned to the catching unit in which the moving rolling body is caught. *See id. (Claims 5, 20)*

However, Kaneko does not disclose the features of supplying rolling bodies from the central portion of the rotating unit such that the bodies roll outwardly toward the periphery of the unit.

Harris discloses an analogous ball-game device wherein outcomes are generated by rolling balls into locations on a rotating disk. *See fig. 9; col. 1:1-55.* The device includes a ball-supply means which releases balls from a central portion of a rotating unit such that the balls roll outwardly to the periphery of the unit. *See fig. 3; col. 1:27-35, 3:51-61.* In view of Harris, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ball-game device taught by Kaneko, wherein outcomes are generated releasing balls onto the edge of a rotating disk, to add the features of supplying rolling bodies from the central portion of a rotating unit. As suggested by Harris, the modification would enhance the device by providing a simple yet visually amusing game for both players and onlookers. *See col. 1:5-11.*

Regarding claim 6: Kaneko additionally describes a plurality of catching units each include a detecting means for outputting a predetermined signal when the rolling body is caught and the output signal specifies the symbol assigned to the catching unit in which the rolling body is caught. *See col. 7:42-60.*

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Regarding claim 7: Kaneko additionally describes catching units holding the rolling bodies so that the rolling bodies partly protrude and allow the rolling bodies to fall within predetermined timing.

See fig. 4; col. 7:60-64.

Regarding claim 8: Kaneko additionally describes N different symbols, determined by the outward movement of N rolling bodies, are specified as the results of the draw, wherein N represents a natural number not less than 2. *See id.*

Regarding claim 9: Kaneko additionally describes rolling-body supply means includes a supply hole for supplying the rolling bodies and a guidance mechanism for accelerating the rolling bodies and for guiding the rolling bodies to the surface. *See fig. 10.*

Regarding claim 10: Miller additionally describes the distance between the supply hole and the surface is equal in all directions. *See fig. 4.*

Regarding claim 13: Kaneko additionally describes rolling bodies that are spheres. *See col. 2:12-24.*

Regarding claim 15: Kaneko additionally provides a driving means dynamically changes the rotational speed and/or rotational direction of the rolling bodies. *See col. 1:47-56, 3:65-4:22.*

Regarding claims 22, 26 and 27: Kaneko additionally describes the game machine is a bingo game machine in which the result of the draw provides different effects to a plurality of game players. *See fig. 14; col. 1:6-9.*

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Regarding claim 23: Kaneko additionally describes rolling bodies that are spheres. *See col. 2:12-24.*

Regarding claims 24 and 25: Kaneko additionally provides a driving means dynamically changes the rotational speed and/or rotational direction of the rolling bodies. *See col. 1:47-56, 3:65-4:22.*

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Harris, as applied to claims 1 and 5 above, in further view of Rothen, U.S. Patent 2,001,500 (Mar. 14, 1935).

The ball-game device described by the combination of Kaneko with Harris suggests all the features of the claimed subject matter except a return wall for returning each of the rolling bodies which has not been caught by any of the catching unit wherein the return wall accelerates the rolling body and returns the rolling body. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of Rothen.

Rothen discloses an analogous game device in which a rotating unit upon which rolling bodies are released from a central location and outcomes are generated based on the symbols associated with bodies stopping positions. *See col. 1:12-41.* In specific regards to the claims, the reference describes a wall for confining the rolling bodies to the playing surface. As a natural consequence of striking the fixed wall, the momentum of the rolling bodies would result in acceleration and thereby return the rolling body to the game surface. Hence, Rothen generally suggests employing a return wall in a game device in which rolling bodies are released from a central location towards catching units located on the periphery of a surface in order to keep the rolling bodies in play.

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In view of Rothen, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ball-game device described by the combination of *Kaneko* with *Harris*, wherein rolling bodies are released from a central location towards catching units located on the periphery of a rotating surface, to add the feature of a return wall for returning each of the rolling bodies which has not been caught by any of the catching units wherein the return wall accelerates the rolling body and returns the rolling body. As suggested by Rothen, the modification would keep the rolling bodies in play and consequently, increase the likelihood of landing in a catching unit. As a result, the modification would increase the rate of play by generating more outcomes per attempt and thereby increase operator revenue due by avoiding null outcomes.


Response to Arguments

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1148.

s.a.



MARK SAGER
PRIMARY EXAMINER